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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK and developments related thereto from 21 January to 15 April 2014.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its regular engagement with Pristina and Belgrade, the communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues to be present and to carry out its activities in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes continue to work and cooperate closely with UNMIK.

II. Political developments

3. During the reporting period, Belgrade and Pristina remained actively engaged in the European Union-facilitated dialogue, albeit at a somewhat reduced pace owing to general elections in Serbia and forthcoming legislative elections in Kosovo. Encouraging progress was made, however, in the implementation of the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013. The parties, led respectively by Prime Minister Ivica Dačić and Prime Minister Hashim Thaçi, met in Brussels on 27 January, 12 February and 31 March, together with the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton. The meetings focused, in particular, on the implementation of the provisions of the Agreement concerning the structure and staffing of the judiciary in northern Kosovo. The parties were steadily able to narrow the differences in their respective positions and further progress in this area

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was expected in the period ahead. Both sides also continued to engage within the technical working groups established to support implementation.

4. Progress was also made in the implementation of other areas of the Agreement, including with regard to the integration of personnel of the Ministry of the Interior of Serbia into the Kosovo police. By March 2014, some 284 former Serbian police officers had completed induction processes and had been assigned to active duty in northern Kosovo. Discussions concerning the establishment of the future association/community of Serbian municipalities in Kosovo were expected to resume after the establishment of the new Government in Belgrade.

5. In addition to facilitating the ongoing dialogue between Belgrade and Pristina, and following the positive decisions taken on 21 January by the European Council to start accession negotiations with Serbia and a stabilization and association process for Kosovo, the European Union remained engaged in Kosovo through the continued deployment of EULEX. EULEX has been operating on the basis of Council Joint Action 2008/124/CFSP and under the overall framework of Security Council resolution 1244 (1999) and the authority of the United Nations. Since it first deployed to Kosovo in 2008, EULEX has performed executive tasks in the areas of the judiciary, customs and police. EULEX has been investigating serious, organized and war crimes, as well as cases of corruption, and prosecuting suspected perpetrators of such crimes. It has also contributed to building the capacity of the Kosovo police, including through monitoring, mentoring and advisory activities.

6. The current mandate of EULEX, which was extended by the Council of the European Union in June 2012, ends on 14 June 2014. In the context of the strategic review of EULEX, discussions were held during the reporting period on the role and tasks of the Mission in the next mandate period. At the time of writing the present report, those discussions had yet to be finalized and a formal decision on the EULEX mandate had yet to be adopted. However, it is expected that EULEX will continue to play a role in Kosovo and to focus on the remaining challenges in the area of the rule of law, albeit in a more advisory and capacity-building capacity. At the same time, EULEX will continue to perform certain executive functions and retain jurisdiction over all ongoing cases. Kosovo judges will play an increased role in the mixed panels of judges, except in special circumstances. Furthermore, EULEX will continue to support the implementation of the agreements arising from the European Union-facilitated dialogue, such as the agreement on the joint management of crossing points and the Agreement of 19 April 2013, in particular in northern Kosovo.

7. The European Union office is expected to play a greater role given that Kosovo is engaged in a process of integration into Europe. The adjustments to be made to EULEX will in part reflect the greater emphasis on European Union integration instruments, in particular the stabilization and association agreement and the structured dialogue in the area of the rule of law. It is also expected that a modified EULEX will continue to perform its role until 14 June 2016, in appropriate cooperation and coordination with UNMIK, KFOR, OSCE and other international actors.

8. On 11 April, the President of Kosovo, Atifete Jahjaga, held separate meetings with the leaders of the political parties of Kosovo represented in the Assembly, including on the need for the EULEX mandate to be extended until June 2016. Following those meetings, on 14 April, the President wrote a letter to the High

Representative of the European Union for Foreign Affairs and Security Policy, in which she expressed her support for the continued presence of EULEX in Kosovo until 15 June 2016. The President also outlined the mandate and functions to be carried out by EULEX in accordance with the expected outcome of the strategic review of EULEX. Moreover, she referred to the establishment, if required, of a specialist court within the Kosovo court system and a specialist prosecutor's office with seats within and outside Kosovo, for any trial and appellate proceedings arising from the results of the work of the Special Investigative Task Force. On the same day, the High Representative responded positively to the letter. She indicated that EULEX would continue to assist Kosovo in strengthening an independent, multi-ethnic justice system and police service and contribute to its progress towards further integration into the European Union.

9. In Pristina, political discussions focused on the prospect of early elections for the Assembly of Kosovo. In that context, the Assembly began to consider a draft law on general elections with a view to holding early general elections under a revised legislative framework. However, members of the Assembly representing the Kosovo Serb community and other non-majority communities opposed certain provisions of the draft law setting new voter eligibility criteria, which they believed would reduce the number of Kosovo Serbs and members of other non-majority communities entitled to vote. They did not attend the Assembly session in which the draft law was adopted on first reading. On 11 April, in a letter addressed to the President of Kosovo, the OSCE Mission in Kosovo highlighted a number of issues regarding the draft law, including its incompatibility with other laws. OSCE also acknowledged that the changes to the voter eligibility criteria established a more restrictive regime, which might discourage or complicate participation in the elections by non-majority voters.

10. On 6 March, the Kosovo government approved recommendations resulting from a two-year strategic security sector review. Some of the recommendations, if implemented, would require amendments to the Constitution and would therefore have to be approved by two thirds of the Kosovo Assembly (including two thirds of the minority representatives). Among the recommendations endorsed by the Kosovo government is that of transforming the Kosovo security force into Kosovo armed forces. The government submitted draft constitutional amendments on the matter to the Assembly that were subsequently upheld by the Kosovo constitutional court. KFOR was not involved at any stage of the survey or in drafting the recommendations. KFOR indicated that making changes to the mandate, structure and functioning of the security force might lead to a discussion among States members of the North Atlantic Treaty Organization (NATO), within the North Atlantic Council, on the impact of such changes on the provision by NATO of continued support to Kosovo. Meanwhile, the Serbian authorities and numerous Kosovo Serb representatives expressed serious reservations about the proposed transformation of the security force into armed forces, with Serbian officials viewing it as a violation of Security Council resolution 1244 (1999).

11. On 16 March, early parliamentary elections were held in Serbia, with OSCE conducting the collection of votes by eligible voters in Kosovo. OSCE collected ballots at 10 collection centres and 15 branches throughout Kosovo, deploying some 400 international staff. The Kosovo police, EULEX and KFOR provided security. The electoral and security procedures were conducted professionally without major incidents or problems.

III. Northern Kosovo

12. The main focus in northern Kosovo continued to be on the formation of municipal authorities following the local elections held in November and December 2013. As previously reported, the newly elected mayors and representatives of municipal assemblies in the north were sworn in on 11 January, with the exception of the mayor-elect of North Mitrovica, who announced his decision not to take office and work under the Kosovo legal framework. Thus, a new mayoral election was held in the municipality of North Mitrovica on 23 February, with OSCE assistance. It was won in the first round by Serbian Civic Initiative candidate Goran Rakić.

13. Municipal assembly inaugural sessions took place on 10 February. Following the North Mitrovica election on 23 February, the four municipalities began working on their municipal statutes, which were completed on 12 March. The Ministry of Local Government and Administration of Kosovo, which reviewed the draft statutes, found, however, that some of the statutes failed to comply with relevant Kosovo legislation and requested their amendment by the municipal authorities. Talks were held to overcome the differences.

14. On 27 January, Oliver Ivanović, a prominent Kosovo Serb political leader and a mayoral candidate for North Mitrovica, was detained for his alleged involvement in war crimes committed in 1999 and 2000. The arrest triggered protests from Belgrade and many local Kosovo Serbs and demands for his release until trial. Early in March, following requests from the Serbian authorities and the Kosovo Serb community, Mr. Ivanović was transferred from Pristina to a detention facility in North Mitrovica. On 4 February, in connection with the same charges, EULEX detained Dragoljub Delibašić, a former official of the Ministry of the Interior of Serbia in northern Kosovo.

15. On 4 March, Kosovo police raided the homes of several local Kosovo Serb police officers and offices hosting a Belgrade-sponsored court, the Directorate for Urban Land and the medical insurance bureau in the Kosovo Serb majority municipality of Shtërpcë/Štrpce. As a result, four Kosovo Serb police officers and an employee of a local forestry service were detained. On the same day, several hundred Kosovo Serb residents of Shtërpcë/Štrpce, joined by municipal assembly members, staged a peaceful protest against the actions of the Kosovo police.

16. During the reporting period, entry into Kosovo was repeatedly denied to Serbian officials, who protested the decisions of Pristina as a violation of agreed procedures. On 5 March, several hundred people attended a rally in North Mitrovica organized by the opposition Democratic Party of Serbia in the lead-up to the Serbian parliamentary elections on 16 March. The party's president, former Prime Minister of Serbia Vojislav Koštunica, however, was prevented from entering Kosovo by the Kosovo police. In reaction, around 50 Kosovo Serbs blocked the road to Gate 1 for about two hours.

17. On 6 March, the four northern Kosovo municipal assemblies held an extraordinary joint session in Zveçan/Zvečan. They expressed concern at the restrictions imposed on visits to Kosovo by Serbian officials, police actions in Shtërpcë/Štrpce (mentioned above) and the Kosovo government's decision regarding the establishment of the Kosovo armed forces, and called for the release of detained Kosovo Serbs pending trial.

18. On 12 March, in the municipality of Zubin Potok, a group of armed persons forcibly entered a local police station and released a Kosovo Serb who had been arrested earlier that day for involvement in offences against EULEX. A grenade explosion was reported near the police station, but no casualties. The acting police station commander was suspended following the incident but reinstated a few days later, after strong protests were lodged by the four northern Kosovo municipal assemblies against his suspension.

19. The arrest on 25 March of two defence counsels involved in defending a number of Kosovo Serbs on charges of obstruction of evidence triggered sharp reactions in the north. On the same day, about 600 people blocked the main road in the village of Rudarë i Madh/Veliko Rudare, Zveçan/Zvečan municipality, to protest the arrests, while northern Kosovo Serb leaders temporarily suspended cooperation with EULEX, which was responsible for the arrests. Following the arrest on 11 April of a Kosovo Serb in connection with the murder of a Kosovo police officer in July 2011 and the attack on the police convoy in which he was travelling, northern leaders again expressed their unwillingness to cooperate with EULEX. Also to protest the arrest, about 100 Kosovo Serbs blocked the main Mitrovica-Zubin Potok road to all traffic for five hours.

20. On 31 March, in Zubin Potok, a Kosovo police vehicle carrying three officers was ambushed and fired upon near the main road to Gate 31. The officers sustained non-life-threatening injuries and were transported to a hospital in North Mitrovica. Both Serbian and Kosovo leaders strongly condemned the attack.

21. At the request of the European Union, the United Nations Development Coordinator presented the findings of the recent evaluation by the United Nations Development Programme on aid effectiveness in the northern municipalities of Kosovo to a meeting of the donor coordination forum referred to as "European Union plus". The study recommends, inter alia, greater collective focus by donors on long-term systemic factors constraining development in the north. The United Nations team in Kosovo is engaged with international and local actors to encourage efficiency and collective leveraging of resources.

IV. Security

22. Aside from the aforementioned incidents, the security situation in Kosovo remained generally stable. Public protests, primarily related to socioeconomic issues, were frequent but mainly peaceful. On 28 January, students of the University of Pristina held a protest demanding the resignation of the rector over allegations of academic fraud. The protests, which continued until 7 February, included violent confrontations with the police, following which the rector resigned.

23. On 9 April, international attention was drawn to the killing of a 22-year-old Kosovo Albanian in Fallujah, Iraq. According to local authorities, to date eight Kosovo Albanians have been killed in the conflicts in Iraq and the Syrian Arab Republic. Despite strong condemnation of such participation in foreign conflicts by numerous local and international actors, including the Islamic community of Kosovo, the matter continues to be of concern. In response, the Kosovo authorities have undertaken to establish clear legislation prohibiting such participation.

24. The crime rate continued to decline, except in Pejë/Peć, where incidents affecting Kosovo Serbs, including returnees, continued to be reported. In Istog/Istok municipality, incidents also continued to be reported at a comparatively higher level, the majority involving thefts, arsons and violations of property rights. Uninhabited houses owned by Kosovo Serbs continued to be the targets of burglaries. Some properties of the Serbian Orthodox Church and Serbian Orthodox graveyards were vandalized. The Kosovo police response to crimes affecting ethnic minorities continued to improve. Increased police patrols in the ethnically mixed areas of Klinë/Klina municipality were especially welcomed by the local Serb population.

V. Rule of law

25. During the reporting period, UNMIK continued to monitor activities and exercise certain responsibilities in the area of the rule of law and to engage in technical cooperation with relevant Serbian authorities and Kosovo institutions. UNMIK continued to facilitate requests for mutual legal assistance from countries that did not recognize Kosovo. It also continued to provide document certification services to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status, education and pension documents, for a total of 680 such documents.

26. UNMIK continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member States. During the reporting period, UNMIK received nine requests for international wanted notices and issued five INTERPOL Red Notices.

27. On 21 January, the Kosovo Prosecutorial Council approved a strategic plan for inter-institutional cooperation in the fight against organized crime and corruption. The Office of the Chief Prosecutor appointed an anti-corruption national coordinator who will provide periodic progress reports. The intention is to increase the accountability of prosecutors and the prosecutorial system in the fight against corruption.

28. A total of 1,712 persons were still listed as missing from the Kosovo conflict. UNMIK continued to support and encourage progress on the issue of missing persons. On 11 February, the thirty-fifth meeting of the Working Group on Missing Persons was held in Belgrade under the chairmanship of the International Committee of the Red Cross and with the participation of representatives of Belgrade and Pristina and of UNMIK. Another meeting of the Working Group was held on 7 April, in Pristina; that meeting was devoted to discussing plans for the exhumation of remains from a possible mass grave site in Rudnica quarry in the municipality of Raška, Serbia. DNA analysis of two remains unearthed in December 2013 confirmed that the individuals were Kosovo Albanians killed during the conflict. At the 7 April meeting, it was announced that work at the site would begin that day. International and local observers from Kosovo will participate in the work alongside Serbian government forensic experts and workers. DNA testing will be conducted by the International Commission on Missing Persons at its laboratory in Bosnia and Herzegovina. The Working Group agreed that every effort must be made to expedite the work at the site and to inform affected family members.

VI. Returns and communities

29. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered the voluntary return to Kosovo during January, February and March of 50 displaced persons, 29 of whom were Kosovo Serbs, 9 were Kosovo Goranis and 12 were from the Kosovo Ashkali and Kosovo Egyptian communities. The total number of voluntary returns by members of minority communities since 2000 is 25,193. UNHCR assisted 261 individuals in obtaining personal or civil documents during January and February.

30. Additional efforts were made to address the low rate of voluntary return and reintegration of displaced persons. On 5 February, the Kosovo government approved a strategy for communities and returns for 2014-2018. In the strategy, housing construction, local security, freedom of movement, access to public services and employment opportunities were identified as priorities. According to UNHCR, an increase was observed in the number of internally displaced persons seeking information and availing themselves of the two main vehicles for promoting voluntary returns: the "go-and-see" and the "go-and-inform" visits.

31. At the municipal level, the leadership of Gjakovë/Đakovica, Istog/Istok, Klinë/Klina and Pejë/Peć municipalities facilitated the allocation of land for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian displaced persons living in Montenegro. Displaced Serbs continued to face difficulties in trying to visit properties and gravesites in Gjakovë/Đakovica and calls were made from several international quarters for the mayor to make greater efforts to promote tolerance and reconciliation.

32. Following the local elections held in Kosovo in November 2013, most municipalities south of the Ibar/Ibër river complied with the statutory requirement to appoint representatives of minority communities as officers to key positions, including the positions of deputy mayor, chairperson and deputy chairperson of municipal assemblies and municipal director. Municipalities in the south also reconstituted the mandatory policy and finance committees and the communities committees, as well as the municipal community safety councils.

VII. Cultural and religious heritage

33. The Implementation Monitoring Council, established by the Law on Special Protective Zones, held two meetings during the reporting period. Discussions focused on illegal constructions within special protective zones and property issues. In February, the Ministry of the Environment and Spatial Planning issued operational guidelines for the implementation of the Law.

34. Some progress was made in the implementation of the Law on the Historic Centre of Prizren. In February, the Council on Cultural Heritage of Prizren reviewed requests for the restoration of buildings in the special protective zone. In March, the Ministry of the Environment and Spatial Planning established a task force on the historic centre of Prizren to survey illegal constructions and prepare appropriate responses. The municipality of Rahovec/Orahovac, however, has not yet begun to implement the Law on the Village of Hoçë e Madhe/Velika Hoča or made any progress in the establishment of the council of the village of Hoçë e Madhe/Velika Hoča, as mandated by law.

35. During the reporting period, 18 incidents targeting property of the Serbian Orthodox Church were recorded. On 7 February, two graves were desecrated in the Serbian Orthodox cemetery in the village of Berivojcë/Berivojce, Kamenicë/Kamenica municipality. A tombstone in the Serbian Orthodox cemetery in the village of Binçë/Binać, Viti/Vitina municipality, and three tombstones in Gjakovë/Đakovica town were damaged, on 15 February and 9 April respectively. The mayors of Kamenicë/Kamenica and Viti/Vitina municipalities issued strong public condemnations in each of those incidents and demanded swift investigations. Two gravestones and the door of the Serbian Orthodox cemetery in Fushë Kosovo/Kosovo Polje were also damaged, on 12 April. On 22 February, offensive graffiti was sprayed on the front of the perimeter wall of the Holy Virgin Serbian Orthodox Church in Gjakovë/Đakovica town. Municipal authorities condemned the incident.

36. In a positive development, the Serbian Orthodox Church appointed representatives to the municipal community safety councils in Pejë/Peć, Deçan/Dečani and Klinë/Klina municipalities. A Serbian Orthodox priest was nominated for membership in the municipal community safety council of Rahovec/Orahovac.

VIII. Human rights

37. UNMIK, together with the Office of the United Nations High Commissioner for Human Rights, continued to work within the Human Rights International Contact Group and its subgroups on property rights and on security incidents affecting non-majority communities, bringing together international actors in Kosovo for the promotion and protection of human rights. The Group reviewed, among other things, the draft human rights strategy of Kosovo, amendments to the Law on the Ombudsperson, the draft laws on gender equality and anti-discrimination and legislation on children's rights.

38. The European Centre for Minority Issues and the Office of the Language Commissioner of Kosovo completed an assessment of language rights in the Assembly of Kosovo. Issues identified during the assessment included limited human, financial and technical resources for language services, poor implementation of proofreading and language standardization practices and the inadequacy of mechanisms for controlling the quality of translations, including into Serbian, in the promulgation of new laws.

39. Several events were held on the protection and promotion of women's rights, including in connection with International Women's Day on 8 March. The United Nations Children's Fund, in a study on domestic and gender-based violence in three Kosovo municipalities launched on 13 February, indicated that physical violence remained the most frequent type of violence and that it was experienced by 17.3 per cent of women and 50.2 per cent of children.

40. On 7 March, the President of Kosovo officially launched a national council for the survivors of sexual violence related to the war with the objective of increasing overall public awareness of the issue. Subsequently, on 20 March, the Kosovo Assembly adopted amendments to the Law on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and their Families, intended to

recognize and protect survivors of sexual violence. Concerns were raised, however, that the legislation still failed to address the experiences of non-majority victims of such violence.

IX. Observations

41. I note with appreciation that Belgrade and Pristina have continued to participate actively in the European Union-facilitated dialogue, albeit at a somewhat slower pace, largely owing to the general elections in Serbia and the forthcoming legislative elections in Kosovo. It remains essential for progress towards the full implementation of the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013 to continue apace, in line with the implementation plan of 22 May 2013.

42. A few challenges remain with regard to the implementation of certain provisions of the Agreement, in particular those relating to the establishment of the association/community of Serbian municipalities in Kosovo. I encourage both sides to continue to make efforts towards the full and faithful implementation of the Agreement and to address the establishment of the above-mentioned association/community in a spirit of openness and goodwill. The challenges to the full implementation of the Agreement should not, however, overshadow the remarkable progress that has been achieved since the start of the dialogue between the prime ministers in October 2012. I welcome, in particular, the agreement reached by the parties during the reporting period on remaining technical issues concerning the integration of Serbian parallel judicial institutions into the legal framework of Kosovo. I look forward to a final agreement on the integration of the judiciary at the next high-level meeting within the framework of the European Union-facilitated dialogue.

43. I also welcome the steps taken towards the full establishment of the new municipal governments in northern Kosovo, following the holding of successful local elections in 2013. I commend leaders in the north, as well as in Belgrade and Pristina, for stepping up to face the delicate challenges that this has entailed.

44. Looking ahead, continued engagement by the European Union remains critical to achieving further progress in the normalization of relations between Belgrade and Pristina, as does the support provided by the international community at large. At the same time, active engagement by Belgrade and Pristina in the European Union-facilitated dialogue is essential to attaining their shared objective of a closer association with European Union institutions. In this respect, I note that Serbia officially started European Union accession talks in Brussels on 21 January. In parallel, Kosovo has begun its negotiations on a stabilization and association agreement with the European Union. As noted in my previous report, the ongoing dialogue between Belgrade and Pristina has been instrumental to their recent progress on the path to European integration.

45. As highlighted above and in annex I to the present report, a strategic review of EULEX has nearly been finalized, laying out the blueprint for adjusting EULEX operations to take account of the progress achieved in implementing rule of law-related agreements on the ground. I also take note of the importance of a range of European Union instruments to be applied in the context of talks on a future stabilization and association agreement for Kosovo and, accordingly, the increasing

roles in this area for the European Union Office in Kosovo. That said, strengthening rule of law institutions remains a long-term challenge and improving performance in this area will remain an essential concern for both Kosovo and regional and international communities. In this regard, I note that the President of Kosovo has expressed, both publicly and in her letter dated 14 April to the High Representative of the European Union for Foreign Affairs and Security Policy, the support of Kosovo for the continued deployment of EULEX, including in assisting with the implementation of the agreements arising from the European Union-facilitated dialogue.

46. I wish to thank my Special Representative, Farid Zarif, for his dynamic and effective leadership and all the staff of UNMIK for their dedication in carrying out the tasks of the Mission. I extend my gratitude to our long-standing partners on the ground, including the European Union, EULEX, KFOR and OSCE, and all members of the United Nations family in Kosovo, for their contributions to peace, stability and development, and for their close cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

(covering the period from 21 January to 15 April 2014)

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of the rule of law and to implement its executive functions according to its mandate. In terms of the agreements reached within the European Union-facilitated dialogue on the normalization of relations between Pristina and Belgrade, EULEX continued to facilitate their implementation in the rule of law sector. The operational capabilities of the Kosovo police in northern Kosovo increased significantly with the integration of 284 former officers of the Ministry of the Interior of Serbia. The collection of revenues at the northern crossing points continued without major problems, while the project on the copying and certification of civil registry books was finalized on 31 March.

Concerning the security set-up during municipal elections, EULEX supported the Kosovo police through the provision of monitoring, mentoring and advisory assistance during the entire process. The police responded to incidents professionally and quickly.

EULEX continued to strengthen the rule of law throughout Kosovo, including by making a number of arrests in northern Kosovo. Oliver Ivanović, Dragoljub Delibašić (for war crimes) and Milovan Vlašković (for murder) were arrested at the beginning of the year and Radovan Radić and Nebojša Vujačić were arrested in April. A number of indictments and verdicts were pronounced in organized crime and corruption cases. Pursuant to its mandate, the EULEX Special Investigative Task Force continued to investigate the allegations contained in the report by Council of Europe Special Rapporteur Dick Marty on the inhuman treatment of people and illicit trafficking in human organs in Kosovo.

The States members of the European Union discussed the strategic review of EULEX that was conducted by the European External Action Service. In the strategic review it was envisaged that EULEX would continue to implement its Kosovo-wide mandate, focusing on strategic leadership-level capacity-building, the implementation of agreements arising from the European Union-facilitated dialogue and security, in particular in northern Kosovo.

2. EULEX activities, January to April 2014

War crimes

On 28 January, at the request of an international prosecutor from the Special Prosecution Office of Kosovo, an international judge from Mitrovica Basic Court

ordered the detention on remand of Oliver Ivanović, a candidate in the repeat mayoral elections held in Mitrovica North on 23 February suspected of war crimes and incitement to commit aggravated murder. The previous day, Ivanović had voluntarily presented himself at the police station in Mitrovica North. On 7 March, an international judge issued an order for his transfer from the detention centre in Pristina to the detention centre in Mitrovica.

In the same case, on 4 February, Dragoljub Delibašić, former Mitrovica police Commander, presented himself to the Special Prosecution Office of Kosovo and was subsequently arrested; detention on remand was ordered. Delibašić is charged with, inter alia, incitement to aggravated murder committed with Oliver Ivanović. On 24 March, an international judge issued an order for the transfer of Delibašić to the detention centre in Mitrovica. Also in relation to the same case, on 15 April Nebojša Vujačić was arrested on charges of, inter alia, aggravated murder.

On 12 February, a mixed panel of local and international judges at Pristina Basic Court convicted Ivan Radivojević of war crimes committed in Fushë Kosovo/Kosovo Polje in 1999 and sentenced him to eight years of imprisonment.

On 4 March, a panel of one local and two international judges at the Court of Appeals granted the appeal of an international prosecutor against the acquittal of all seven defendants in the case *Ejup Kabashi et al*. The defendants had been acquitted on 1 February 2013 by a panel consisting mainly of local judges. The Court of Appeals found two defendants guilty of war crimes and sentenced them to five years of imprisonment each while the other five defendants were sentenced to six months of imprisonment each (suspended for one year) for providing assistance to perpetrators after the commission of criminal offences.

On 15 April, the main trial in the case against Sylejman Selimi and three other defendants accused of war crimes against the civilian population started in Mitrovica Basic Court.

Organized crime and corruption

On 21 January, a panel of one local and two international judges started the main trial against 10 defendants accused of issuing unlawful legal decisions at Pristina Basic Court. The case, involving eight local judges and two lawyers, relates to allegations that socially owned land was fraudulently conveyed to private owners.

On 31 January, an indictment was filed against two persons for extortion and trading in influence in a case led by international and local prosecutors from the basic prosecution office in Pristina. The defendants were suspected of having threatened to kill a person in order to compel that person to provide them with €30,000 or a luxury car for the purpose of exerting improper influence over municipal decision-making in order to change the status of a piece of land.

On 5 February, EULEX and the Kosovo police, under the supervision of an international prosecutor, conducted an arrest-and-search operation against 10 defendants allegedly involved in an organized crime group suspected of committing, inter alia, fraud against the Italian Embassy in Pristina through the unlawful procurement of Schengen visas. One of the defendants, Ukë Rugova, the son of the late President of Kosovo Ibrahim Rugova, is a member of the Assembly of Kosovo. On 14 March, a panel of one international judge and two local judges at

the Court of Appeals confirmed a ruling to keep the defendants in detention on remand and under house arrest.

On 19 February, an international prosecutor of the Special Prosecution Office of Kosovo filed an indictment against the former Minister of Transport and Telecommunications, Fatmir Limaj, and four others accused of procurement-related offences.[a] The defendants were charged with, inter alia, involvement in organized crime and abuse of official position or authority.

On 11 March, a panel of one local and two international judges at Pristina Basic Court sentenced Arben Veseli to 10 years of imprisonment for having organized and participated in trafficking in heroin from Kosovo to Germany in 2012.

On 13 March, a mixed panel of local and international judges at Prizren Basic Court found all six defendants in the "Prizren mayor" case guilty of abuse of official position or authority. The mayor was sentenced to a two-year suspended prison sentence and prohibited from exercising functions in the public administration or public service for 30 months. His co-defendants received suspended sentences of between 5 and 18 months.

On 13 March, a mixed panel of local and international judges at Pristina Basic Court sentenced Sulejman Topuzi to four years of imprisonment for the unauthorized purchase, possession, distribution and sale of dangerous narcotic substances and for involvement in organized crime in Kosovo, Albania and several western European countries in 2009.

On 18 March, in an operation against organized crime and the smuggling of migrants carried out in cooperation with Swiss law enforcement agencies that carried out simultaneous operations in Switzerland, the Kosovo border police arrested three defendants and searched four properties. The investigation is now led by an international prosecutor of the Special Prosecution Office of Kosovo. On 20 March, an international judge at Pristina Basic Court ordered that the defendants be detained on remand.

On 21 March two people were killed and six wounded in Pejë/Peć. The homicides were thought to have been related to a long-standing feud between two families. The Special Prosecution Office of Kosovo has taken over the investigation into the case, which deals with the criminal offences of, inter alia, involvement in organized crime and aggravated murder.

On 2 April, EULEX police, assisted by the Kosovo police, arrested three defendants and conducted searches at several locations in the regions of Pristina and Pejë/Peć. The ongoing investigation into organized crime and extortion related to gaming shops and casinos throughout Kosovo is led by an international prosecutor from the Special Prosecution Office of Kosovo.

On 6 April, following an arrest by the Kosovo police on 3 April, a EULEX judge at Pristina Basic Court ordered the detention on remand of two defendants in the "Pristina municipality" case. A third defendant was ordered to report regularly to the police station and prohibited from leaving Kosovo. The application for detention

[a] An indictment was filed for comparable criminal activities against the same group in another case, on 16 November 2012. A decision is still pending in the Court of Appeals.

on remand for the other eight defendants was rejected. Ten of the defendants, all Pristina municipality officials, were being investigated for their involvement in an organized crime group, in conjunction with the misuse of official position or authority. The eleventh defendant was being investigated for falsifying documents.

On 8 April, in a retrial, a panel of one local and two EULEX judges at Pejë/Peć Basic Court sentenced Isa Salihi, a former employee of the Guarantee Fund of Kosovo, to two years of imprisonment for having taken advantage of his office or official authority to assist former judge Kolë Puka in issuing unlawful judicial decisions and thereby acquiring a benefit for himself or another person. In addition, Salihi was prohibited from holding public office for two years after being released from detention.

Other cases

On 3 February, Milovan Vlašković was arrested on suspicion of involvement in the killing of Kosovo police officer Enver Zymberi in 2011. On 4 February, Vlašković was released on bail after an assessment of the procedural risks. On 3 April, an international judge rejected an application for detention on remand for Vlašković and ordered his release on bail.

On 19 February, three persons were arrested and their houses searched because they were suspected of having stolen a vehicle of the Serbia-run post office; the robbery occurred on the way from Zvečan/Zveçan to Zubin Potok in August 2013. The investigation was being conducted by EULEX Task Force Mitrovica in cooperation with the Mitrovica border police and the Kosovo police.

On 3 March, a local judge at Pristina Basic Court sentenced three defendants to one year of imprisonment each (suspended for two years). The three accused and a group of unknown persons forcefully prevented and hindered the holding of a public meeting of the non-governmental organization Kosovo 2.0. The case was investigated by the Kosovo police and led by a mixed team of one local and one international prosecutor.

On 14 March, a panel of three local judges at Ferizaj/Uroševac Basic Court sentenced a Ukrainian citizen to three years of imprisonment for facilitating prostitution and money-laundering while another defendant was sentenced to two years of imprisonment. The case was investigated by the Kosovo police and led by one local and one international prosecutor. A third defendant, also a Ukrainian citizen, pleaded guilty to the same charges in January 2014 and was sentenced to 18 months of imprisonment.

The Special Prosecution Office of Kosovo took over an investigation involving five persons in Štrpce/Shtërpcë, four of whom were Kosovo Serb police officers suspected of revealing official secrets, illegally possessing weapons and misusing authority. On 14 March, an international judge ordered four of the defendants to report to the Štrpce/Shtërpcë police station on a weekly basis.

On 25 March, EULEX Task Force Mitrovica arrested the lawyers of Žarko Veselinović (who is being detained on remand for the attempted murder of two members of the Kosovo police Special Operations Unit) on suspicion of having caused obstructions in respect of evidence or official proceedings. On 3 April, a panel of one local judge and two international judges of the Court of Appeals ordered both defendants to be placed under house arrest.

On 11 April, EULEX executed an international warrant issued by INTERPOL for the arrest of Radovan Radić in Zupče/Zupç, northern Kosovo. The arrest warrant had been requested by the United Nations Interim Administration Mission in Kosovo in 2011. The arrest was conducted as part of an ongoing investigation into the killing of Kosovo police officer Enver Zymberi on 26 July 2011 and the attack on the police convoy in which he was travelling at the time of his murder.

Special Investigative Task Force

The allegations made in the January 2011 report authored by Council of Europe Special Rapporteur Dick Marty entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo" continued to be investigated by the Special Investigative Task Force. The allegations included abduction, detention, mistreatment, killing, as well as organ harvesting and trafficking in Kosovo.

Investigative and operational activities continued apace, while cooperation with judicial and law enforcement authorities in the region and beyond remained fruitful. The Task Force continued to engage with injured parties, victim advocacy groups and individuals in order to gather information useful for the investigation.

The Lead Prosecutor, Clint Williamson, continued to work with relevant Governments in the European Union and beyond to ensure that the Task Force's investigation is independent, impartial and professional and can be completed in the coming months. During the reporting period, Mr. Williamson and members of his office travelled to Europe and North America, as well as Kosovo, to hold talks with governmental agencies on important issues related to the Task Force's work.

In Kosovo, Mr. Williamson met the Minister of Justice, Hajredin Kuçi, and reiterated his determination to conduct an impartial and independent investigation that uncovers the whole truth behind the serious allegations contained in the 2011 Council of Europe report. Mr. Williamson underlined that the Task Force had been empowered to investigate and, if warranted, prosecute individuals personally responsible for crimes alleged in the report. He emphasized that the investigative work was still under way and that it was premature to prejudge its outcome. Mr. Williamson also met the Special Representative of the Secretary-General, Farid Zarif, the European Union Special Representative and Head of the European Union Office in Kosovo, Samuel Žbogar, and the EULEX Head of Mission, Berndt Borchardt, in order to discuss cooperation with the Task Force.

Throughout the reporting period, engagement also continued with officials at the most senior levels of the European Union in order to ensure continuing support for the Task Force and, in anticipation of the conclusion of the investigation, to prepare a viable adjudicative mechanism should an indictment be warranted.

Property rights

In the area of civil justice, EULEX commissioners of the Kosovo Property Claims Commission adjudicated 1,048 cases (mainly inter-ethnic property claims) during the reporting period. In total, 42,696 claims were lodged with the Kosovo Property Agency; for only 1,214 claims is a decision still pending.

From 21 January to 15 April, the Kosovo Property Agency Appeals Panel in the Supreme Court adjudicated 57 appeals. A total of 62 appeals were filed against

the decisions of the Kosovo Property Claims Commission during the reporting period.

During the reporting period, the Special Chamber of the Supreme Court rendered 175 decisions in trial panel cases. The Special Chamber also closed 598 worker list cases and finalized 63 cases at the level of the Kosovo Property Agency Appeals Panel.

Legislation and other legal issues

On 20 March, the Assembly of Kosovo adopted the law amending and supplementing the Law on Declaration, Origin and Control of the Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials. The adoption of the law is a positive step towards fighting corruption in Kosovo. Also on 20 March, the Assembly adopted the law amending and supplementing the Law on Public Procurement in Kosovo (No. 04/L-042). The aim of the law is to support local companies in tendering procedures. On 14 March, the Assembly adopted the law amending and supplementing the Law on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency-Related Matters (No. 04/L-033). The amended law assigns the responsibility for translating claims and accompanying documents to the Special Chamber of the Supreme Court.

Other key issues

EULEX provided extensive monitoring, mentoring and advisory assistance in the process of drafting regulations on recruitment and appointment to the Kosovo Judicial Council and the Kosovo Prosecutorial Council. In March, the Kosovo Prosecutorial Council approved a new regulation on the selection and appointment of the Chief State Prosecutor (the incumbent retires in August 2014). The selection process is under way; nine candidates have applied for the post.

In February, the Kosovo Judicial Council and the Kosovo Prosecutorial Council moved forward with the establishment of a justice academy by finalizing and harmonizing the corresponding law with the package of laws related to the Kosovo judiciary.

In addition, EULEX advised the Kosovo police during the planning, operational and review phases of the repeat mayoral elections in North Mitrovica. The plans and resources allocated by the Kosovo police were adequate and its reaction to incidents were prompt, professional and proportionate.

EULEX carried out a questionnaire among staff of the Kosovo Correctional Service to identify potential cases of corruption. The exercise was conducted on behalf of the Anti-Corruption Task Force, which was set up by the Ministry of Justice to look into the findings on the Service in the 2013 progress report of the European Commission.

EULEX interacted with the Professional Standards Department of the Kosovo police and supported a cooperative relationship between the police and the Kosovo Police Inspectorate in order to ensure proper execution of Inspectorate recommendations.

In addition, EULEX supported preparations for handing over responsibility for the close protection of Bishop Teodosije to the Kosovo police, after two consecutive

threat assessments had found that the threat level was not sufficient to justify further close protection by the mission. A road map was drafted to guarantee a proper handover process to a Kosovo police close protection unit. Further consultations were held with the Bishop in order to meet his concerns. EULEX withdrew its close protection assistance on 28 February.

Following a site assessment at the suspected mass grave in Raška, Serbia, conducted in October and December 2013 by EULEX experts at the Department of Forensic Medicine under the authority and by order of the Serbian War Crimes Deputy Prosecutor, bone sampling to identify the DNA of the discovered remains took place on 5 February 2014. The tested remains were identified as belonging to Kosovo Albanian victims. The demolition of the building located at the site began on 10 April. In order to examine the whole area, exploratory excavations are to be conducted around the area under the building and beyond. It is foreseen that the forensic phase will begin on 22 or 23 April with the full participation of EULEX forensic experts.

On 26 March, the remains of 46 individuals, which had been handed over to their families by EULEX experts at the Department of Forensic Medicine, were buried. On 24 March, 27 individuals were handed over to families from Suharekë/Suva Reka, while the following day families from the village of Krusha e Vogël/Mala Kruša received the remains of 19 individuals.

The north

The arrest of Oliver Ivanović on 27 January sparked reactions from the local population and protests against his arrest were held on 27 and 30 January. In addition, Kosovo Serb political leaders made public statements in his support.

On 23 February, during the repeat mayoral elections in North Mitrovica, EULEX fulfilled its role as second responder and contributed towards a peaceful environment during the election process. Excellent coordination with the other security providers (the Kosovo police and the Kosovo Force) and OSCE facilitated the holding of the elections.

On 12 March, a group of approximately 50 persons stormed the police station in Zubin Potok and unlawfully released a suspect who had been detained on suspicion of having committed serious criminal offences against EULEX personnel and Kosovo police officers. The incident was preceded by a protest of approximately 120 people outside the police station. The suspect remains at large.

In the aftermath of these events, the Acting Station Commander in Zubin Potok was placed on temporary suspension by the Acting Regional Director, Nenad Djurić. Local community leaders protested against the suspension and declared their intention to suspend cooperation with EULEX and Kosovo police authorities in Pristina until the Acting Station Commander had been reinstated. Furthermore, on 17 March a group of approximately 50 persons demanded the reinstatement of the Acting Station Commander by blocking the Mitrovica-Zubin Potok main road for about one hour. On 18 March, the Kosovo police Directorate General ended the suspension of the Acting Station Commander, who returned to his post.

On the evening of 31 March, a Kosovo border police patrol consisting of three Kosovo Serb officers was attacked in an ambush in the vicinity of Zubin Potok while performing a regular patrol. Two officers received light injuries, while the

third officer sustained life-threating injuries and was admitted to intensive care at the hospital in North Mitrovica. The Kosovo police initiated a large search operation immediately after the incident and its Major Crime Unit, forensic experts and EULEX police officers were dispatched to the scene.

Implementation of the agreements arising from the European Union-facilitated dialogue

EULEX verified the stay of new criminal cases in Serbia-run courts in Kosovo after 15 July on two occasions, as agreed in the European Union-facilitated dialogue between Pristina and Belgrade.

A total of 284 former officers of the Ministry of the Interior completed the basic orientation training conducted by EULEX and were integrated into the Kosovo police. As at 20 February, all integrated officers were on duty throughout the four northern municipalities. Their deployment increases the number of Kosovo police officers in the north by approximately 120 per cent.

The project supporting the implementation of the Belgrade-Pristina agreement on the copying and certification of civil registry books was finalized on 31 March. A total of 12,391 civil registry books (355 more books than had initially been identified) were certified and handed over to the Kosovo authorities. The last handover took place on 6 March. The certification of civil registry books only partially fulfils EULEX goals in this area. The establishment of a fully reliable, comprehensive and sustainable civil registry in Kosovo remains a challenge.

With regard to the implementation of the technical protocol on integrated border management, an agreement on the permanent location of each of the six crossing points was reached on 18 March and officially came into effect on 21 March. The collection of customs revenues at the Rudnica-Jainjë and Bërnjak-Tabalije crossing points continued uninterrupted.

In line with the agreed procedures on mutual legal assistance, both parties (Belgrade and Pristina) continued to send requests through EULEX. In January, Belgrade started replying to the requests for the first time since the procedures entered into force on 20 March 2013. Since then, EULEX has received around 342 replies out of the 1,600 requests transmitted to Belgrade. Serbia sent 39 requests to Pristina during the reporting period, all of which were being processed.

3. EULEX strategic review

Mindful that the current EULEX mandate comes to an end on 14 June 2014 and of the findings of the strategic review conducted by the European External Action Service, the States members of the European Union acknowledged that since the deployment of EULEX in 2008 local institutions have become more developed and the environment in which EULEX operates has changed significantly as a result of the European Union-facilitated dialogue between Belgrade and Pristina, the opening of negotiations for a stabilization and association agreement between the European Union and Kosovo, and EULEX support.

The European Union has at its disposal different instruments with which to regularly assess progress by Kosovo on the rule of law and that play a crucial role in

assisting efforts to reform Kosovo, in particular with regard to the judiciary, the police and customs, and in strengthening the European perspective of the region.

An extension of the EULEX mandate will support this new dynamic. Bearing in mind the need for further efforts, especially in terms of supporting the prosecutorial and judicial sectors, EULEX will strike the right balance between the direct exercise of its functions and the gradual transfer, based on progress made, of ownership and responsibility to local rule of law institutions. It will continue to carry out its Kosovo-wide mandate, retaining its international police officers, judges and prosecutors, and focus on strategic leadership-level capacity-building and on the implementation of agreements arising from the European Union-facilitated dialogue and security, in particular in northern Kosovo.

Specifically, the proposals envisage that:

- Judges and prosecutors will be further embedded in rule of law institutions so as to ensure the sustainability of results and of their work in supporting the institutions of Kosovo
- As a matter of principle, EULEX judges and prosecutors will adjudicate in mixed panels and prosecute in mixed teams with their Kosovo counterparts
- EULEX will focus on bringing to a successful completion its cases under the extended mandate
- For rule of law institutions to be sustainable, it is necessary that their management be entrusted to Kosovo officials and that EULEX remain involved, where required
- EULEX police will continue to work in close cooperation and consultation with the Kosovo police

EULEX will continue to operate under the overall authority of the United Nations and in accordance with Security Council resolution 1244 (1999). Changes to the EULEX mandate will result in a reduction in the number of staff, in accordance with operational needs.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2014)

Country	*Number*
Austria	1
Germany	1
Hungary	1
Italy	1
Pakistan	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**8**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2014)

Country	*Number*
Czech Republic	1
Norway	1
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**

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Department of Field Support
Cartographic Section